REMARKS/ARGUMENTS

Applicants received the Office Action dated January 11, 2007, in which the Examiner rejected claims 1, 5-7, 11-14 and 18-20 under 35 U.S.C. § 103(a) as being unpatentable over Suorsa (U.S. Pub. No. 2004/0226010, hereinafter "Suorsa") in view of Baker et al. (U.S. Pat. No. 7,080,138, hereinafter "Baker"). Applicants traverse the claim rejections for the reasons provided below, and thus contend that all claims are in condition for allowance.

Claim 23 is pending in this case. The Examiner did not reject claim 23 nor even acknowledge its existence in the present Office Action. In the Office Action dated October 13, 2006, the Examiner stated that claim 23 is withdrawn as being directed to a non-elected invention and that the election was made without traverse in Applicants' August 2006 response. Applicants request clarification. Applicants do not find in the record that the Examiner ever issued a restriction requirement for claim 23. In fact, the Examiner has already addressed claim 23 on its merits multiple times in previous Office Actions. Thus, claim 23 has already been examined and prosecuted. Applicants are unclear why the Examiner has seemingly unilaterally withdrawn claim 23.

Suorsa discloses a central provisioning network 31. Each newly installed device, such as Devices 1, 2, 3, ...N shown in Figure 7, include an agent 36 that requests configuration data from the central provisioning network 31. The provisioning network 31 includes a central file system 34 that contains various software components. The provisioning network 31 also includes a database 32 that can be accessed by the agent in the device to be configured to determine how that device should be configured. The database 32 identifies the addresses of the various software components in the file system 34 to be used to configure the device. In sum, Suorsa discloses a centralized provisioning network that stores all configuration data. All configurable devices access the centrally stored configuration data to obtain their configuration.

Baker is directed to a content server selection technique. In Baker, a client requests an item of content that is present on multiple content servers. Fig. 1. Baker describes a technique for selecting one of the content servers to provide

the requested content to the client. The selected content server is the content server that first successfully transmits the response to the client. Col. 2, l. 6 through col. 3, l. 2. In sum, Baker discloses a distributed content network in which the desired content is available on multiple different content servers.

Whereas in Suorsa the target information (configuration data) is provided in one centralized location, in Baker, the target information (content) is distributed in multiple locations. Suorsa is a centralized network while Baker is a distributed network.

Claim 1 requires "without human intervention, identifying from among a plurality of servers, which server includes configuration data suitable for use by the server to be configured, wherein each of the plurality of servers has configuration data that can be used to configure another server." The Examiner concluded that this limitation is not taught or suggested by Suorsa and, instead, uses Baker for this limitation.

Applicants respectfully submit that there is a fundamental flaw in the Examiner's logic. One of ordinary skill in the art would not have been motivated to modify the centralized network of Suorsa with the decentralized network of Baker because to do so would render Soursa's invention inoperable. Centralized networks and decentralized networks are mutually exclusive. Suorsa teaches that the configuration information needed by each of the devices is to be stored at one location. A hypothetical modification of Suorsa to provide the configuration at multiple locations defeats the principle of operation of Suorsa's system and thus would have been rejected by one of ordinary skill in the art. There is no suggestion in the art of the desirability of modifying a centralized configuration system with a decentralized system in which configuration data is replicated and stored on different servers. In Baker, the problem solved was how to select a content server to provide desired content to a client when the desired content is already present on multiple content servers. This problem does not arise in Suorsa because the desired configuration data is only present at one location. The Examiner's proposed modification to Suorsa's centralized network architecture using Baker's decentralized content provider architecture would
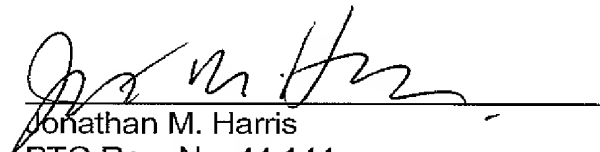
render Suorsa unsatisfactory for its intended purpose (i.e., configuring devices from a centralized server). See MPEP § 2143.01(V) ("If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification.").

For at least this reason, claim 1 and its dependent claims are allowable over the art of record. The same or similar reasoning applies as well to independent claims 7 and 14 and their dependent claims.

Applicants respectfully request reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,

Jonathan M. Harris
PTO Reg. No. 44,144
CONLEY ROSE, P.C.
(713) 238-8000 (Phone)
(713) 238-8008 (Fax)
ATTORNEY FOR APPLICANTS

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
Legal Dept., M/S 35
P.O. Box 272400
Fort Collins, CO 80527-2400